

UNITED STATES DISTRICT COURT
for the
Northern District of New York

United States of America
v.
KIMBERLY HUMPHREY a/k/a Kimberly Owen

Case No. 1:25-cr-238 MAD

Defendant

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

PS3 (12/05-Rev. for PACTS 6/11)

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RECOMMENDED PRETRIAL CONDITIONS OF RELEASE

- ☐ The defendant must sign an Appearance Bond. If ordered to do so, the defendant must provide the Court with the following indicia of ownership of the property posted, or the following amount of percentage of the such property:
- ☐ The defendant is placed in the custody of:
 Name of person or organization:
 Address:
 Telephone No.:
 Who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the Court immediately in the event the defendant violates any conditions of release or disappears.

The defendant must:

- ☒ (a) Report to Pretrial Services within 24 hours of release, telephone number (315) 234-8700 / (518) 257-1700, and as directed thereafter.
- ☒ (b) Allow a probation officer to visit at any time at the defendant's home or elsewhere and must permit confiscation of any contraband observed in plain view of the probation officer.
- ☒ (c) Refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☐ (d) Execute a bail bond with solvent securities in the amount of \$
- ☒ (e) Maintain or actively seek employment.
- ☐ (f) Maintain or commence an educational program.
- ☒ (g) Surrender any passport to: **The Clerk of the Court**¹.
- ☒ (h) Obtain no passport or other international travel documents.
- ☒ (i) Restrict travel to the Northern District of New York and the Eastern District of Virginia unless approved by Pretrial Services or the Court.
- ☒ (j) Remain at an authorized address as approved by Pretrial Services or the Court.
- ☒ (k) Avoid all contact with codefendants and defendants in related cases unless approved by Pretrial Services or the Court.
- ☐ (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: ____.
- ☒ (m) Submit to a mental health evaluation and/or treatment as approved by Pretrial Services or the Court.
- ☐ (n) Return to custody each (week)day as of ____ after being released each (week)day as of ____ for employment, schooling, or the following limited purpose(s): ____.
- ☐ (o) Maintain residence at a halfway house or community corrections center, as approved by Pretrial Services or the Court.
- ☒ (p) Refrain from ~~any~~ consumption of alcohol. **Excessive**
- ☒ (q) Refrain from possession, use, distribution, importation, or manufacture of any and all controlled substances and any and all controlled substance analogues, as defined in 21 U.S.C. § 802, except that possession and use of a controlled substance properly prescribed by a licensed medical practitioner is permitted.
- ☒ (r) Submit to any method of testing required by Pretrial Services or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any other form of prohibited substance screening or testing.
- ☐ (s) Participate in and successfully complete a program of outpatient or inpatient substance abuse treatment and counseling. Outpatient treatment may be approved by Pretrial Services or the Court. Inpatient substance abuse treatment must be approved by the Court.
- ☒ (t) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing, and/or computer or electronic monitoring which is (are) required as a condition(s) of release.

¹ For U.S. Passports, the passport will be returned to the U.S. Office of Passport Policy and Planning upon conviction; For Foreign Passports, the passport will be forwarded to the Bureau of Immigration and Customs Enforcement (ICE); The passport will **only** be returned to the defendant if the case is dismissed.

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- ☐ (u) Participate in one of the following monitoring or location restriction programs and abide by all the requirements of the program. The defendant must pay all or part of the cost of the program as determined by Pretrial Services based upon ability to pay.
- ☐ (i) **Curfew.** The defendant is restricted to the defendant's residence every day ☐ from to , subject to modifications by Pretrial Services, or ☐ as directed by Pretrial Services or the Court.
 - ☐ (ii) **Home Detention.** The defendant is restricted to the defendant's residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services or the Court.
 - ☐ (iii) **Home Incarceration.** The defendant is restricted to the defendant's residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by Pretrial Services or the Court.
 - ☐ (iv) **Stand Alone Monitoring.** The defendant has no residential curfew, home detention, or home incarceration restrictions. However, the defendant must comply with the location or travel restrictions as imposed by the court. Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.
- ☐ (v) Submit to the following location monitoring technology and comply with its requirements as directed:
- ☐ (i) Location monitoring technology as directed by Pretrial Services or the supervising officer; or
 - ☐ (ii) Voice Recognition; or
 - ☐ (iii) Radio Frequency; or
 - ☐ (iv) GPS
- ☒ (w) Report within 72 hours, to Pretrial Services or the Court any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- ☐ (x) Must not commit another crime, in the United States or elsewhere (including any criminal violation of the law of any province, state, county, town, city, village, or other subdivision of a country, or of any recognized tribe).
- ☒ (sc.1) The defendant must contribute to the cost of any evaluation, testing, treatment and/or monitoring services rendered in an amount deemed reasonable according to the sliding scale co-payment schedule approved by the Court and utilized by Pretrial Services. The defendant must also cooperate with securing any available third party payments as directed.
- ☐ (sc.2) The defendant must not use or possess a computer, data storage device, or any internet capable device without the approval of Pretrial Services or the Court.
- ☐ (sc.3) The defendant must not use or possess any computer, cell phone, data storage device, cloud storage, or any other internet-capable device (computer equipment) unless he/she participates in the Internet and Computer Management Program (ICMP). When placed in the ICMP, the defendant must comply with all the rules of the program and pay any costs associated with the program. Pretrial Services may use and/or install any hardware or software system that is needed to monitor the defendant's use of computer equipment. The defendant must permit Pretrial Services to conduct periodic, unannounced examinations of any computer equipment he/she uses or possesses. This equipment may be removed by Pretrial Services or their designee for a more thorough examination. The defendant must provide any usernames, pin codes, passwords or other credentials used to access any devices or cloud storage he/she uses or possesses. The defendant's internet use may be limited and/or restricted in accordance with the ICMP based upon an evaluation of his/her risk and needs, along with consideration of the factors outlined in 18 U.S.C. § 3553(a). Failure to abide by the rules of the ICMP may result in immediate adverse action, to include, but not limited to, revocation of supervision.
- ☐ (sc.4) The defendant must not frequent places where persons under the age of 18 are likely to congregate. This shall include, but is not limited to, schools, parks and arcades, unless it is approved by Pretrial Services or the Court.
- ☐ (sc.5) The defendant must not have any direct contact with a person under the age of 18 unless it is supervised by a person approved of by Pretrial Services or the Court. The defendant must not have indirect contact with a person under the age of 18 through another person or through a device (including a telephone, computer, radio, or other means) unless it is supervised by a person approved of by Pretrial Services or the Court. The defendant must reasonably avoid and remove himself/herself from situations in which he/she has any other form of contact with a minor. While this condition would not be violated by unintended, incidental contact with a minor in a public space, any significant personal interaction with a minor, even if unintended or incidental, should be reported to Pretrial Services within 72 hours.
- ☐ (sc.6) The defendant must not subscribe to or use any internet services at any location without the approval of Pretrial Services or the Court. Telephone bills, credit card bills and service agreements must be provided upon the request of Pretrial Services or the Court.
- ☐ (sc.7) The defendant must not utilize any internet site directly or through another person unless it is approved by Pretrial Services or the Court.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

Albany, NY

City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
- (☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 6/10/2025



Judicial Officer's Signature

Hon. Mae A. D'Agostino, U.S. District Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL